

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 26, 2009

DIVISION ONE

B205485 People (Not for Publication)
v.
Guzman

The judgment and sentence of the trial court are affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B203986 People v. Jackson (Not for Publication)

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B208678 Los Angeles County, D.C.F.S. (Not for Publication)
v.
J.F.

The May 28, 2008 jurisdictional and dispositional orders are affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

February 26, 2009 (Continued)

DIVISION ONE (continued)

[illegible]

The judgment is reversed. The trial court is directed to sustain the demurrer to the first amended complaint with leave to amend. Appellant Stith is entitled to costs on appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

[illegible]

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B205708 People (Not for Publication)
v.
Chandler

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B206089 Odessa M. Carter (Not for Publication)
 v.
 Quan C. James et al.

The judgment is affirmed. Respondent(s) to recover costs.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B213115 A.H., Sr., (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles Department of Children and Family Services, r.p.i.)

The petition for writ of extraordinary writ is denied. The motion to
augment the record is granted. The motion to dismiss is denied.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B207144 People (Not for Publication)
 v.
 Jerzy Granados Gutierrez

The judgment is affirmed. The trial court is directed to issue an amended
abstract of judgment stating that appellant's convictions resulted from a jury
trial, not a guilty plea, and that the authority for the enhancement in count 3
was section 12022.5, subdivision (a).

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

February 26, 2009 (Continued)

DIVISION ONE (continued)

B206626 People (Not for Publication)
v.
Jorge A. Guerrero

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B200983 People (Not for Publication)
v.
Leon McDonald Brown

The 10-year section 186.22, subdivision (b)(1)(C) enhancements for counts 1 and 2 are stricken. The trial court shall amend the abstract of judgment to reflect this modification. In all other respects, the judgment is affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B201218 Denise Easterby, et al. (Certified for Partial Publication)
v.
Stephen W. Clark et al.
Christopher Deledonne

Filed order certifying opinion for publication.

B199978 McCoy
v.
Progressive West Insurance Company

Filed order certifying opinion for publication.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B200600 People v. Aguirre
B206416 People v. Moreland
B206339 People v. Diaz
B204173 People v. Baker
B205512 People v. Samaniego, et al.
B205862 Tipler v. City of Palmdale

Argument waived, cause submitted.

B207145 People
 v.
 Hernandez

Merits:

Argued by Jonathan P. Milberg for appellant and by A. Scott Hayward,
Deputy Attorney General for respondent. Cause submitted.

B206376 People
 v.
 Stebler

Merits:

Argued by Jonathan P. Milberg for appellant and by Lance E. Winters,
Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (continued)

B206217 Metropolitan Property Holdings, LLC
 v.
 State of California Franchise Tax Board

Merits:
Argued by Jeffrey A. Kent for appellant and by Christine Zarifian, Deputy Attorney General for respondent. Cause submitted.

B204467 Siegel
 v.
 Siegel

Merits:
Argued by Hugh A. Lipton for appellant and by Gary J. Cohen for respondent. Cause submitted.

B205691 People
 v.
 Davis

Merits:
Argued by Leslie F. Nadasi for appellant and by Nima Razfar, Deputy Attorney General for respondent. Cause submitted.

B200953 Perelmutter
 v.
 Ipex Trading Corp. et al.

Merits:
Argued by Leonard Steiner for appellant and by Robert C. Risbrough for respondents. Cause submitted.

DIVISION TWO (continued)

B207406 Hauser
 v.
 United Parcel Service, Inc. et al.

Merits:
Argued by Henry J. Matusek, II for appellant and by Ninos P. Saroukhanioff for respondents. Cause submitted.

B202066 Robin Rolfes
 v.
 Gary Rolfes

Merits:
Argued by Marjorie G. Fuller for appellant and by Honey K. Amado for respondent. Cause submitted.

B204049 Applebaum, et al.
 v.
 Christopher Frahm

Merits:
Argued by Marc L. Sallus for appellant George Applebaum, by David A. Robinson for appellant Jacqueline Frahm and by Don Fisher for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

DIVISION TWO (continued)

B205103 People
 v.
 Diaz

Merits:

Argued by Jeffrey Lewis for appellant and by Allison Chung, Deputy Attorney General for respondent. Cause submitted.

B205723 Shaolian
 v.
 Scottish Rite Cathedral Assoc. of L.A.

Merits:

Argued by George Baltaxe for appellant and by Larry Fabrizi for respondent. Cause submitted.

B204963 LAUSD
 v.
 Hsi

Merits:

Argued by Mary Dowell for appellant/respondent and by Lawrence Trygstad for appellant. Cause submitted.

B207657 Los Angeles County, D.C.S.
 v.
 L.G. et al.

Merits:

Argued by Marissa Coffey, Kate Chandler, Mary Handy & Aida Asianian for appellants and by Roni Keller and Byron Shibata, Deputy County Counsel for respondents. Cause submitted.

DIVISION TWO (continued)

B206952 Birl et al.
v.
Heritage Care LLC et al.

Merits:
Argued by Maureen Home for appellants and by Glenna Francis for respondents. Cause submitted.

B202579 Wiley
v.
Centinela Hospital Medical Center

Merits:
Argued by Edward Wiley for appellant and by Michael Ting for respondent.
Cause submitted.

B205706 Martin
v.
General Dynamics et al.

Merits:
Argued by James Otto for appellant and by Charles Bland for respondents.
Cause submitted.

Court adjourned.

DIVISION THREE

B198778 Nazari (Not for Publication)
v.
Ayrapetyan

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (continued)

B213134 Randell (Not for Publication)

v.

Superior Court, Los Angeles County
(Guillou, r.p.i.)

Let a peremptory writ of mandate issue directing the respondent court to vacate its December 3, 2008 order in which the court: (1) directed defendant to provide further responses to Interrogatory Number 10.2 and Interrogatory Number 16.9, and (2) imposed monetary sanctions against defendant. In its place, the court is directed to enter an order denying plaintiff's motion to compel further answers to the specified interrogatories and to vacate the sanctions. The stay issued by this court on January 14, 2009 is lifted. Costs are awarded to defendant in this proceeding.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B206893 Eastwood Coalition (Not for Publication)

v.

City of Los Angeles, et al.
Bond, et al.

The judgment is affirmed. Respondents are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (continued)

B207448 In re Daniel Rico (Certified for Publication)
on
Habeas Corpus

Rico's petition for a writ of habeas corpus is granted and the BPH is ordered to vacate its decision finding petitioner unsuitable for parole. The BPH is directed to conduct a new parole suitability hearing within 30 days of the issuance of the remittitur in this matter. At that hearing, the BPH is directed to find petitioner suitable for parole unless either previously undiscovered evidence or new evidence subsequent to the 2007 parole hearing, regarding his conduct, circumstances, or change in his mental state, supports a determination that he currently poses an unreasonable risk of danger to society if released on parole. Pursuant to California Rules of Court, rule 8.264(b)(3), this opinion shall be final as to this court within five days after it is filed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B211741 C.M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied. The stay issued on December 9, 2008, is hereby vacated. Pursuant to California Rules of Court, rule 8.264(b)(3), this opinion is made final forthwith as to this court.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (continued)

B206526 Flaherty
 v.
 Jordan

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B208681 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Michelle E.

The juvenile court's orders terminating Mother's reunification services and granting Father sole legal and physical custody are affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
 Manella, J.

DIVISION FIVE

B207537 Los Angeles County, D.C.F.S.
 v.
 J.A.
 In re C.A., A Person Coming Under the Juvenile Court Law

Filed order denying petition for rehearing.

February 26, 2009 (Continued)

DIVISION SIX

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B202913 Thomas (Not for Publication)
v.
Bryant F.

The appeal is dismissed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B207050 People (Not for Publication)
v.
Edun

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SIX (continued)

B201514 In re Brown (Not for Publication)
 on
 Habeas Corpus

The petition for writ of habeas corpus is granted. The Governor's decision is vacated and the matter is remanded to the Governor.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B201879 People
 v.
 Napoles

Filed order denying petition for rehearing.

DIVISION SEVEN

B201016 Guimei v. General Electric Co. et al., (Not for Publication)
B201021 Huntati v. General Electric Co. et al.
B201023 Haiyan v. General Electric Co. et al.
B201212 Cheng, et al. v. General Electric Co. et al.

The order is affirmed. Defendants are to recover costs on appeal.

Jackson, J.

We Concur: Woods, Acting P.J.
 Zelon, J.

DIVISION SEVEN (continued)

B196230 Bell, et al., (Not for Publication)
v.
Pierce, et al.,

The judgment is modified as follows:

Page 5: the full paragraph beginning on line 3 shall be modified to read in full as follows:

"The Initial Down Payment shall be reduced by the amount of \$3,000.00, as the total of the \$1,500.00 initial deposit made by the Bells, as well as the \$500.00 per month that was paid from January 2005 through March 2005 which was to count toward the purchase pursuant to the Option To Buy Addendum signed by Vanessa E. Bell and Sam Pierce on December 30, 2004. Thus, the Initial Down Payment is hereby reduced to \$2,000.00."

Page 5: Immediately following the above paragraph, add the following paragraphs: "Michael J. Bell, Vanessa E. Bell and Sam Pierce shall open an escrow for the Property conveyance no later than five (5) calendar days after the date this judgment becomes effective, utilizing an escrow company selected by Michael J. Bell and Vanessa E. Bell. The escrow closing date shall be no later than 60 days after the opening date of the escrow, provided that the Bells may extend the escrow up to an additional 30 days by giving prior written notice to the escrow officer and to Pierce. The escrow instructions shall include terms for conveyance of the Property set forth in this judgment and the terms of the Real Estate Purchase Agreement and Receipt for Deposit signed by the parties on March 1, 2005 consistent with this judgment, augmented as the Bells deem appropriate with usual and customary terms of an escrow for purchase of a single family residence which are consistent with this judgment. Michael J. Bell, Vanessa E. Bell and Sam Pierce shall execute the escrow instructions no later than seven calendar days after the date the escrow is opened by deposit of the Initial Down Payment."

"All payments, deeds and other documents which a party is required by this judgment to provide shall be submitted into escrow prior to the closing date for distribution by the escrow officer at the close of escrow."

DIVISION SEVEN (continued)

B196230 Bell, et al. v. Pierce, et al. (continued)

"Nothing herein shall preclude the Bells from exercising their right to prepay the loan to Pierce specified herein at any time of their choosing, including at the close of the afore-mentioned escrow, with not prepayment penalty."

As modified, the judgment is affirmed. The order awarding attorney's fees is vacated as to Western Properties Trust, and is affirmed in all other respects. The Bells are awarded their costs on appeal.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

[illegible]

The order appealed from is reversed. On remand, the trial court is directed to remove the requirement that appellant register as a sex offender pursuant to subdivision (c) of section 290, and to determine whether appellant is subject to discretionary registration pursuant to section 290.006, and, if so, to exercise its discretion whether to require defendant to register under that provision.

Rubin, Acting P.J.

We concur: Bigelow, J.
O'Neill, J. (Assigned)

DIVISION EIGHT (continued)

B204518 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
O'Neill, J. (Assigned)

B209054 People v. Garrett (Not for Publication)

The judgment is affirmed.

Bigelow, J.

We concur: Flier, Acting P.J.
O'Neill, J. (Assigned)

B203177 People (Not for Publication)
v.
Santos

The cause is remanded to the trial court with directions to modify the narcotics probation condition to read: "Do not use or possess any illegal narcotics, dangerous or restricted drugs and stay out of places known by you to be where users, buyers or sellers congregate. Do not associate with persons known by you to be users or sellers of illegal narcotics." In all other respects, the judgment is affirmed.

Bigelow, J.

We concur: Flier, Acting P.J.
O'Neill, J. (Assigned)

February 26, 2009 (Continued)

DIVISION EIGHT (continued)

[illegible]

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
O'Neill, J. (Assigned)

B205377 Los Angeles County, D.C.F.S. (Not for Publication)
v.
M.C.;
E.M. et al.

The order is affirmed.

O'Neill, J. (Assigned)

We concur: Rubin, Acting P.J.
Bigelow, J.

B205022 People v. Taylor (Not for Publication)

The judgment is affirmed. The trial court is directed to issue an amended abstract of judgment reflecting that the six-month sentence for the misdemeanor assault in count 3 is stayed pursuant to section 654.

Bigelow, J.

We concur: Rubin, Acting P.J.
Flier, J.